

## **State Wildlife Grants FY 2002 Program Implementation Guidance**

President Bush signed the Department of the Interior and Related Agencies Appropriations Act, 2002, into law on November 5, 2001. This bill included \$80 million for wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa. The Fish and Wildlife Service apportion the funds on a formula basis explained in Appendix A, which is a copy of the State Wildlife Grants portion of Public Law 107-63. The formula is identical to the one used last year to apportion the funds under the Wildlife Conservation and Restoration Program. The State Wildlife Grant funds listed in Appendix B are available for obligation by the State until September 30, 2003, after which the Service will reapportion any remaining unobligated funds, with any new funds appropriated in 2004.

To establish eligibility for these funds, the State, Territory, or other jurisdiction must first submit or commit to develop by October 1, 2005, a comprehensive wildlife conservation plan. Once a State is determined to be eligible for funding, it may submit Applications for Federal Assistance, Grant Agreements and associated documents to the appropriate Federal Aid Regional Office for review and approval. We suggest that each State follow up on its commitment to develop a comprehensive wildlife conservation plan by informing the Regional Office of its anticipated time line.

As with other Federal Aid grant programs, the States must comply with 43 CFR Part 12, OMB Circulars (A-87, A-102, and A-133), the National Environmental Policy Act, Section 7 of the Endangered Species Act and other applicable federal laws and regulations in the use of these funds. States are encouraged to use the Federal Aid handbook for guidance on format and content. Copies of this document can be found in each State Federal Aid Coordinator's office, and at [www.nctc.fws.gov/fedaids/toolkit/toolkit.pdf](http://www.nctc.fws.gov/fedaids/toolkit/toolkit.pdf).

A series of questions and answers (Q&A's) regarding this new program follows. We hope that these will be helpful to persons involved with implementation and management of the FY2002 State Wildlife Grants Program. Additional or follow-up questions should be directed to Federal Aid Chiefs in the Fish and Wildlife Service Regional Offices or to Kris LaMontagne, Chief of the Division of Federal Aid. Two appendices referenced above follow the Q&A's.

## State Wildlife Grant Program Implementation Questions and Answers

To improve the readability of this document, we have used the following abbreviations:

SWG = FY02 State Wildlife Grants

WCRP = Wildlife Conservation and Restoration Program

WR = Federal Aid in Wildlife Restoration Act

SFR = Federal Aid in Sport Fish Restoration Act

FA = Federal Aid

RO = Federal Aid Regional Office

State = The agency responsible for managing wildlife in the States, District of Columbia, and Territories

### State Wildlife Grants Program Eligibility

#### **Q1. Is a State required to submit a Comprehensive Wildlife Conservation Plan before applying for SWG grants?**

A. No. To be eligible for SWG funds, a State must first submit a Comprehensive Wildlife Conservation Plan, or submit a commitment to develop such a plan by October 1, 2005.

#### **Q2. Where should a State send a Comprehensive Wildlife Conservation Plan or commitment to develop one?**

A. The State should send its plan or letter of commitment to the Director, U.S. Fish and Wildlife Service, Division of Federal Aid, 4401 North Fairfax Drive, Suite 140, Arlington, VA 22203. When FA receives the plan or letter of commitment, States will be eligible to submit grant proposals. The Director will send a letter acknowledging this eligibility to States and Regional Offices.

#### **Q3. Can a State satisfy the requirements for its Comprehensive Wildlife Conservation Plan required by the SWG Program and its Wildlife Conservation Strategy required by the WCRP with one document?**

A. Yes. Both the **Strategy** required by WCRP legislation in FY01 and the **Plan** required by SWG legislation in FY02 must be statewide and focus on wildlife species of greatest conservation need. The same document can be considered to meet both the WCRP Wildlife Conservation Strategy and the SWG Comprehensive Wildlife Conservation Plan requirements.

#### **Q4. Must a state wildlife agency have full authority for all wildlife to be eligible for SWG funding?**

A. No. A State fish and wildlife agency will be eligible to receive SWG funds for activities compatible with its authority under State law. Other entities that have authority for some wildlife species may be subgrantees of the State wildlife agency.

**Q5. What role does the FWS envision for Indian tribes in the SWG Program?**

A. The FY 2002 State Wildlife Grants legislation includes a separate \$5 million for a competitive grant program specifically for Indian Tribes. Indian tribes may also, however, participate in SWG through a State as subgrantees. For Tribal Wildlife Grant information contact Patrick Durham, Office of Native American Liaison, U.S. Fish and Wildlife Service, 1849 C Street NW, Mail Stop 3251, Washington, DC 20240, or contact Native American Liaisons in the Regional Offices.

**The Statewide Comprehensive Wildlife Conservation Plan**

**Q6. What must be contained within the Comprehensive Wildlife Conservation Plans, and is there a universal format to ease interstate collaboration and utility?**

A. The Comprehensive Wildlife Conservation Plans (and Wildlife Conservation Strategy) must include the following items:

- (i) information on the distribution and abundance of species of wildlife (defined in Q9), including low and declining populations as the State fish and wildlife agency deems appropriate, that are indicative of the diversity and health of the State's wildlife;
- (ii) descriptions of locations and relative condition of key habitats and community types essential to conservation of species identified in (i);
- (iii) descriptions of problems which may adversely affect species identified in (i) or their habitats, and priority research and survey efforts needed to identify factors which may assist in restoration and improved conservation of these species and habitats;
- (iv) descriptions of conservation actions proposed to conserve the identified species and habitats and priorities for implementing such actions;
- (v) proposed plans for monitoring species identified in (i) and their habitats, for monitoring the effectiveness of the conservation actions proposed in (iv), and for adapting these conservation actions to respond appropriately to new information or changing conditions;
- (vi) descriptions of procedures to review the State Comprehensive Wildlife Conservation Plan at intervals not to exceed ten years; and
- (vii) plans for coordinating the development, implementation, review, and revision of the State comprehensive wildlife conservation plan with Federal, State, and local agencies and Indian tribes that manage significant land and water areas within the State or administer programs that significantly affect the conservation of identified species and habitats.

No universal format for these plans exists at this time. FA will work with the States and other stakeholders, however, to develop suggested guidance regarding the format of plans.

**Q7. Must the State produce a State Comprehensive Wildlife Conservation Plan if Congress approves no additional funding in subsequent years for this program?**

A. Yes. Each State must submit a plan by October 1, 2005 as Congress has mandated. If a State does not produce a State Comprehensive Wildlife Conservation Plan, FA may require it to repay the funds it has used under this Program.

**Q8. Could some or all of a State's previous planning efforts and outcomes qualify as its SWG Comprehensive Wildlife Conservation Plan?**

A. Yes. They can, as long as the State plan satisfies the requirements specified in the answer to Q6.

## **Definitions**

**Q9. How is wildlife defined for the purposes of this program?**

A. The term wildlife means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species in a previously occupied range".

**Q10. What is the meaning of species of greatest conservation need?**

A. Each State will determine these species in the context of developing its Comprehensive Wildlife Conservation Plan. These species must be fauna, and not flora, and may include aquatic species and invertebrates. A State's list of species of the greatest conservation need may include currently listed Federal and State wildlife species and other species of concern. We anticipate that the composition of this list will change over time as the status and conservation need of species changes within the State.

## **Eligibility**

**Q11. Did the legislative language in SWG (FY02) result in changes in any existing Federal Aid program, as happened when the WCRP amended the Federal Aid in Wildlife Restoration Act in FY01?**

A. No

**Q12. What activities are eligible for funding under SWG?**

A. States must use SWG allocations to fund the development and implementation of programs that benefit wildlife and their habitat, including species that are not hunted or fished. All activities that meet these criteria are eligible for funding. Consistent with the law, priority for use of these funds should be placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species.

**Q13a (revised). Can a State use SWG to fund projects associated with wildlife education or wildlife law enforcement activities?**

A. No, unless the law enforcement or education component is a minor or incidental activity which is considered critical to the success of a project which directly contributes to the conservation of wildlife species and their habitats with the greatest conservation need and is consistent with the development or implementation of the State's comprehensive wildlife conservation plan. The Service would entertain the State making a specific case for use of these funds in this regard on its grant proposal.

For example, a State might propose some special wildlife education or wildlife law enforcement effort is needed to protect critical wildlife habitat where unauthorized all-terrain vehicle (ATV) use was endangering a natural community associated with a hiking or wildlife interpretive trail. Some law enforcement attention or educational initiative such as development of brochures and signage might be necessary to discourage ATV's in the area, and thus achieve wildlife habitat project goals. These types of specific activities will all need to be approved by Service grant specialists prior to funding and implementation. The grant specialists will need to understand and concur that these activities are essential to meeting the wildlife habitat objectives of the grants.

**Q13b (revised). Can a State use SWG to fund projects associated with wildlife-associated recreation.**

A. No.

**Q14. Can a State use SWG funds to pay for costs associated with publication and distribution of hunting or fishing regulations?**

A. No.

**Q15. Can a State use SWG funds to address issues of nuisance wildlife and wildlife damage?**

A. Yes. However, these activities are eligible under SWG only if their emphasis is the conservation of wildlife and their habitats. The primary focus of such efforts should be to help when necessary with the conservation of species with the greatest conservation need.

**Q16. Can a State use SWG funds to cover costs of environmental review, habitat evaluation, permit review (e.g., Section 404), and similar functions necessary to protect wildlife habitats?**

A. Yes. However, these activities are eligible under SWG only if their emphasis is the conservation of wildlife and their habitats. The primary focus of such efforts should be to help when necessary with the conservation of species with the greatest conservation need.

**Q17. Can existing State WR/SFR focused employees administer all SWG program areas/activities, or just those that would be eligible under WR/SFR?**

A. Yes, they can administer all of them. Approved staff and other administrative costs are eligible when appropriate and States allocate proportionate charges to each program. (OMB Circular A-87, Attachment E) ([www.nctc.fws.gov/fedaid/toolkit/a87e.pdf](http://www.nctc.fws.gov/fedaid/toolkit/a87e.pdf))

**Q18. Can a State receive reimbursement for costs incurred to develop its SWG Comprehensive Wildlife Conservation Plan?**

A. Yes. After FA has approved an SWG planning grant that specifies this activity, the State can receive reimbursement for subsequent work on the Plan.

## Fiscal

### **Q19. What is the federal share for SWG grants?**

A. For the States, the District of Columbia and the Commonwealth of Puerto Rico, the federal share of planning grants shall not exceed 75 percent of the total cost, and the federal share of implementation grants shall not exceed 50 percent of the total cost. The Insular Areas of the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are waived from matching requirements for this program (based on 48 U.S.C.A. §1469a. (d)).

### **Q20. What activities may a State include in SWG planning grants?**

A. For purposes of this program, **planning activities** are activities that contribute directly and specifically to development or modification (updating or revision) of a specific plan that a State identifies in the grant proposal. Such activities may include, but are not limited to: literature reviews; responsive management type surveys; scientific research to identify, document, or understand biological, social, or economic problems or issues; field and other types of surveys to establish baseline information; database development and use; population habitat viability and population viability analyses; stakeholder processes, including public input efforts, participation workshops, and public or internal workgroup meetings; plan writing, publication and distribution; plan adoption and approval processes; and studies conducted to measure, monitor, evaluate, or modify existing plans or parts of plans. **In general, if a State intends to use an activity to develop or modify a plan, FA will consider it a planning activity.**

### **Q21. What activities may a State include in SWG implementation grants?**

For purposes of this program, **implementation activities** are activities that a State intends to carry out to execute a specific plan or plans identified in an implementation grant proposal. Such activities may include, but are not limited to: ongoing, continuing, or new on-the-ground management actions; laboratory and field research; natural history studies; habitat mapping; field surveys and population monitoring; standard field, museum or public surveys; land acquisition; facility design and construction; technical guidance; education; and most public outreach efforts. Issue analyses, evaluations, progress monitoring, and some outreach activities (including education and information) may also be considered implementation activities, on a case-by-case basis. **In general, if a State intends to conduct an activity to carry out a plan, it will be considered an implementation activity.**

### **Q22. What funds may a State use as nonfederal match for SWG? Are in-kind contributions eligible, or must the match be in cash?**

A. As with FA programs, nonfederal contributions can consist of cash and allowable in-kind contributions as defined in 43 CFR Part 12.64. ([www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf](http://www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf))

### **Q23. What are the SWG FY02 apportionments for each State, and how long is this money available to the States for obligation?**

A. The SWG FY02 apportionment figures are attached (Appendix B). The census figures for State populations are as of April 1, 2000, as approved by the Secretary of Commerce. This apportionment is available for obligation via Grant Agreements through September 30, 2003.

### **Q24. Should a State view the SWG Program as a continuous ongoing revenue source?**

A. No. No authorization for appropriation of funds beyond federal FY 2002 exists at this time.

**Q25. What happens to SWG monies for States that do not obligate all of their FY 2002 apportionments by September 30, 2003?**

A. FA will reappportion in FY 2004 any FY 2002 funds that remain unobligated as of September 30, 2003. FA will do this in the same manner and proportions as described with the initial apportionments.

**Q26. How long will reappportioned funds be available?**

A. Reappportioned funds will be available for obligation for two fiscal years.

**Q27. How will the federal share of SWG project costs be paid to the States?**

A. The office or official designated by the authorized State fish and wildlife agency should request reimbursement for costs incurred in accomplishing approved projects. FA will make payment to this same office or official. (43 CFR Part 12.61)  
([www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf](http://www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf))

**Q28. Will interest accrue to SWG funds, and if so to what account/purpose will it accrue?**

A. No. The Division of Federal Aid does not have the authority to invest these funds. Therefore the SWG program will accrue no interest.

**Q29. Will FA use any of the 3% SWG administrative funds for Administrative Grants?**

A. No. The Division of Federal Aid anticipates using the 3% to administer the SWG program.

**Q30. Will the fiscal management procedures for administration of SWG grants be available before FA actually awards grants?**

A. Yes.

**Q31. What will FA require a State to do about record keeping and audits of the SWG program?**

A. States must comply with the requirements in OMB Circular A-133 and 43 CFR Parts 12.66 and 12.82. ([www.nctc.fws.gov/fedaid/toolkit/a133.pdf](http://www.nctc.fws.gov/fedaid/toolkit/a133.pdf) and [www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf](http://www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf))

## **Grant Administration**

**Q32 (revised). Can a State request pre-award cost reimbursement for activities that took place prior to FA approval of SWG Grants?**

A. No. As is the practice with the Wildlife Restoration program, only expenses incurred and budgeted during the grant period would be reimbursed. However, a State may request reimbursement for pre-award costs for certain necessary expenses detailed in the grant agreement. Pre-award costs are those incurred prior to the effective date of the award where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the awarding agency

(OMB Circular A-87) ([www.nctc.fws.gov/fedaid/toolkit/a87b.pdf](http://www.nctc.fws.gov/fedaid/toolkit/a87b.pdf)). However, under no circumstance will charges using FY 2002 funds prior to November 5, 2001 (the date the FY 2002 State Wildlife Grant program was enacted) qualify.

**Q33. Where should a State send its Grant documents and who will approve them?**

A. States will submit grant documents to the appropriate RO, where RO staff will review and approve them.

**Q34. What information must a State submit for SWG funding of a grant proposal?**

A. SWG grant proposals must include the following: Application for Federal Assistance (Form SF-424); one or more Project statements describing need, objectives, expected results or benefits, approach or procedures, location, and estimated cost (OMB Circular A-102); other supporting documents as necessary to address compliance with applicable requirements (such as National Historic Preservation Act, National Environmental Policy Act, Endangered Species Act, Americans with Disabilities Act); and a grant agreement (Form 3-1552) including a schedule of projects to be funded, a breakdown of estimated cost by project, and additional supporting documents as required ([www.nctc.fws.gov/fedaid/toolkit/fagabins.pdf](http://www.nctc.fws.gov/fedaid/toolkit/fagabins.pdf)). The RO may also require a statement of assurance.

In accepting Federal funds, States and other grantees must comply with all applicable Federal laws, regulations, and policies. FA will handle compliance the same way it currently is for WR and SFR programs. The RO staff will work with each State to ensure this at the project level.

**Q35. With what accounting and administrative grant requirements must States comply in regard to SWG?**

A. As with other federal grant programs in the Department of the Interior, 43 CFR Part 12 provides general grant guidance ([www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf](http://www.nctc.fws.gov/fedaid/toolkit/4312toc.pdf)) and OMB Circular A-87 provides guidance on cost principles. All OMB circulars can be accessed at [www.whitehouse.gov/omb/circulars](http://www.whitehouse.gov/omb/circulars), or at [www.nctc.fws.gov/fedaid/toolkit/toolkit.pdf](http://www.nctc.fws.gov/fedaid/toolkit/toolkit.pdf).



Appendix A.

115 STAT. 414 PUBLIC LAW 107-63 APPENDIX A

**STATE WILDLIFE GRANTS (INCLUDING RESCISSION OF FUNDS)**

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$85,000,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided herein, \$5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said \$5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of one percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in

the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106-291, \$25,000,000 for State Wildlife Grants are rescinded.

**Appendix B.****Anticipated Apportionments for \$80 Million State Wildlife Grants:  
FY02 Interior Appropriation**

State	Land Area (Sq. Miles)**	Population*	\$ Amount
ALABAMA	51,718	4,447,100	1,205,716
ALASKA	587,875	626,932	3,880,000
ARIZONA	114,006	5,130,632	1,837,803
ARKANSAS	53,182	2,673,400	906,455
CALIFORNIA	158,647	33,871,648	3,880,000
COLORADO	104,100	4,301,261	1,610,797
CONNECTICUT	5,006	3,405,565	776,000
DELAWARE	2,026	783,600	776,000
FLORIDA	58,620	15,982,378	3,286,987
GEORGIA	58,930	8,186,453	1,921,295
HAWAII	6,459	1,211,537	776,000
IDAHO	83,574	1,293,953	914,231
ILLINOIS	56,343	12,419,293	2,642,919
INDIANA	36,185	6,080,485	1,364,676
IOWA	56,276	2,926,324	976,284
KANSAS	82,282	2,688,418	1,148,347
KENTUCKY	40,411	4,041,769	1,041,613
LOUISIANA	47,719	4,468,976	1,176,676
MAINE	33,128	1,274,923	776,000
MARYLAND	10,455	5,296,486	1,015,531
MASSACHUSETTS	8,262	6,349,097	1,182,241
MICHIGAN	58,513	9,938,444	2,225,353
MINNESOTA	84,397	4,919,479	1,557,304
MISSISSIPPI	47,695	2,844,658	891,399
MISSOURI	69,709	5,595,211	1,555,137
MONTANA	147,046	902,195	1,367,332
NEBRASKA	77,359	1,711,263	936,373
NEVADA	110,567	1,998,257	1,259,774
NEW HAMPSHIRE	9,283	1,235,786	776,000
NEW JERSEY	7,790	8,414,350	1,540,827
NEW MEXICO	121,598	1,819,046	1,319,017
NEW YORK	49,122	18,976,457	3,734,378
NORTH CAROLINA	52,672	8,049,313	1,845,774
NORTH DAKOTA	70,704	642,200	776,000
OHIO	41,329	11,353,140	2,332,358
OKLAHOMA	69,903	3,450,654	1,180,347
OREGON	97,052	3,421,399	1,398,427
PENNSYLVANIA	45,310	12,281,054	2,527,945
RHODE ISLAND	1,213	1,048,319	776,000
SOUTH CAROLINA	31,117	4,012,012	959,976
SOUTH DAKOTA	77,121	754,844	776,000
TENNESSEE	42,145	5,689,283	1,345,020
TEXAS	266,873	20,851,820	3,880,000
UTAH	84,904	2,233,169	1,090,005
VERMONT	9,615	608,827	776,000
VIRGINIA	40,598	7,078,515	1,576,121
WASHINGTON	68,126	5,894,121	1,594,582
WEST VIRGINIA	24,232	1,808,344	776,000
WISCONSIN	56,145	5,363,675	1,402,979
WYOMING	97,819	493,782	776,000
DISTRICT OF COLUMBIA			388,000
PUERTO RICO			388,000
GUAM			194,000
VIRGIN ISLANDS			194,000
AMERICAN SAMOA			194,000
N. MARIANA ISLANDS			194,000
Subtotal	3,615,161	280,849,847	<b>77,600,000</b>
Administration***			2,400,000

Total	80,000,000
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\* Population Figures are the April 1, 2000 U.S. Census Bureau Figures

\*\* Land areas include the land and inland waters of each State (do not include Great Lakes and Coastal waters) from the U.S. Statistical Abstract (Census Bureau) 1997

\*\*\* \$2.4 million (3%) has been set aside for Federal Aid administrative costs